In the Supreme Court of the United States

OCTOBER TERM, 1941.

No. .....

CHARLES PEYTON WEST and MAURICE JOHN WEST,
Petitioners,

vs.

AMERICAN TELEPHONE AND TELEGRAPH COMPANY,
Respondent.

MOTION OF PETITIONERS TO PERMIT THE USE OF THE CERTIFIED TRANSCRIPT ON FILE.

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Your petitioners, Charles Peyton West and Maurice John West, respectfully move that they be permitted to use the certified transcript of the Record on file in this Court, on the hearing of their Petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

Your petitioners respectfully represent that the facts stated by this Court in the opinion in *West v. American T. & T. Co.*, 311 U. S. 223, state all the facts material to the further consideration of the case, except the facts that it was in Massachusetts that the life tenant disposed of the corporate stock in question, and it was in New York where the respondent wrongfully issued the stock to the life tenant and then cancelled the certificate.

These facts as to the places of the wrongs of the life tenant and of the respondent were stipulated by the parties (R. 46 and 47), and are fully stated in the District Court's Findings of Facts (R. 122), paragraphs 4 and 5, which

paragraphs 4 and 5 are quoted *in haec verba* in the petition for the Writ.

Your petitioners further represent that a reprinting of the Record would therefore serve no present purpose, except to show said places where the life tenant and the respondent committed wrongs, but would entail unnecessary and unreasonable expense to be added to the burden of the expense of petitioners' protracted and costly litigation in numerous courts.

Your petitioners further represent that in event this Court grants the Writ of Certiorari, such parts of the Record as are germane to the present inquiry will be furnished by them without demur.

HARRY L. DEIBEL,
Attorney for Petitioners.

Acknowledgment of Service.

Receipt of a copy of the above Motion is hereby acknowledged on this 15th day of September, 1941.

WILLIAM B. COCKLEY,
Attorney for Respondent.